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ABSTRACT

Pacific Resources for Education and Learning (PREL) prepared a summary and brief analysis of the "No Child Left Behind Act of 2001" (NCLB) and its implications for education for the American Pacific region. This briefing paper is intended to help educational leaders understand the law and its expectations and implications for schools, educators, parents, and children. The NCLB is based on stronger accountability for results, greater flexibility and local control, expanded options and choices for parents, and emphasis on teaching methods that work. Freely Associated States' eligibility for grants under NCLB has been reduced. For Hawai'i, federal education funding is increased to more than $194.6 million, Title I funding is increased to more than $38.6 million, and more than $13.6 million is provided to train and retain skilled educators. For U.S.-Affiliated Territories, benefits include substantial set-asides in the new legislation and an increase in federal dollars overall. The territories also gained a Coordinator for the Outlying Area within the Office of the Secretary for the U.S. Department of Education. A table provides a bird's-eye view of funding by title and lists the implications for education in the state of Hawai'i, the territories, the Freely Associated States, and for PREL. (RT)

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No Child Left Behind Act of 2001 and Implications for the Pacific Territories and Freely Associated States

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No Child Left Behind Act of 2001 and Implications for the Pacific Territories and Freely Associated States

By Hilda C. Heine*

As a service to the Pacific educational community and its leadership, Pacific Resources for Education and Learning (PREL) has prepared a summary and brief analysis of the *No Child Left Behind Act of 2001* (NCLB) and its implications for education for the American Pacific region, particularly the Pacific territories and the Freely Associated States (FAS). The U.S.-affiliated territories include American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands; the FAS are the Republic of the Marshall Islands (RMI), the Federated States of Micronesia (FSM), and the Republic of Palau (ROP).

The NCLB is a large, complex, and far-reaching piece of legislation that authorizes and sets the direction for the nation's elementary and secondary programs and services over the next five years. Importantly, it is the "cornerstone" of President Bush's education agenda, underscoring its weight and priority for this administration. This briefing paper is intended to help educational leaders understand the law and its expectations and implications for schools, educators, parents, and children.

NCLB, which reauthorized the Elementary and Secondary Education Act (ESEA), is based on the following principles.

Stronger accountability for results. This translates among other things into higher standards and mandatory testing for grades 3 through 8. School districts not making adequate yearly progress (AYP) will be subject to corrective actions, including restructuring measures.

Greater flexibility and local control. More decision making for programs has been extended to state education agencies (SEAs) and local education agencies (LEAs). In the Pacific, the SEA and the

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LEA are one and the same. For example, states are granted up to 50% reprogramming authorities to other programs or to Title I from such programs as Teacher Quality State Grants, Educational Technology, Innovative Programs, and Safe and Drug-Free Schools. The act also includes new competitive initiatives such as the State and Local Flexibility Demonstration programs.

Expanded options and choices for parents. This is accomplished by providing federal support for disadvantaged kids to transfer from failing schools to safer and higher performing schools. This also means voluntary public school choice and school district ability to spend up to 20% of its Title I money to provide school choice and supplemental services, including tutorial assistance to eligible students.

Emphasis on teaching methods that work. NCLB provides substantial support to reading instruction through research-based methods and increases the investment in teacher training and retention. Examples include the Reading First Initiative, which will make six-year grants to states which will, in turn, make competitive subgrants to local communities; and Early Reading First which will make six-year awards to LEAs to support early language, literacy, and pre-reading development, particularly to students from low-income families.

An overview of NCLB's implications for each of the U.S.-affiliated Pacific entities follows.

Freely Associated States: RMI, FSM, and ROP

In effect, FAS eligibility for grants under NCLB has been reduced. By dollar volume, the FAS will get less money than they previously received under the Improving America's Schools Act (IASA). This conclusion is based on several things.

First, the Freely-Associated States Educational Grant Program (FASEGP) under Title I, formerly extended to the FAS only, will now be shared with the Outlying Areas (OA), which in addition to the Pacific territories also includes the U.S. Virgin Islands. The competition for this program allocation is level-funded at $5 million per year. A minimal resource will now be further minimized by allowing others to participate in this Title I set-aside. At the same time, the U.S. affiliated territories already participate in the Title I program at increased funding levels.

Second, there are fewer discretionary monies available to the FAS under NCLB. The FAS were eligible to compete for some of the discretionary funds under IASA, including Bilingual Education and 21st Century Community Learning Center (CCLC) grants. In the case of the latter, funds are now allocated by formula to run competitions for eligible state entities. Current 21st CCLC grants will be funded for the duration of the grant period, but FAS entities are not eligible to compete for new grants. This is unfortunate because this is one of the programs that received a substantial funding increase under the NCLB. While the FAS will be eligible to compete for Title III discretionary funds (formerly Title VII, Bilingual Education grants) until the new Compact becomes effective, they will no longer receive state formula grants.

Third, unless the current language in the NCLB regarding FAS eligibility for educational grant assistance is somehow replaced, RMI and FSM eligibility for any funds received under NCLB will disappear when the new Compact comes into effect in 2003. This will be true for Palau after 2006 when its new compact is ratified. While the term "outlying areas" in NCLB includes the FAS for the purposes of a $5 million set-aside under Title I and any other discretionary program areas under this act, the definition was modified somewhat to reference the prospective new Compact's effect on continued funding to the FAS. Currently, the "bread and butter" for FAS education departments and ministries comes out of federal assistance received through U.S. Department of Education (U.S. ED)

appropriations. Discontinuation of this federal assistance will negatively affect education in general and, in particular, positive gains accomplished in past years.

Finally, the intent and spirit of NCLB, insofar as the FAS are concerned, will likely influence other U.S. education legislation due to be re-authorized in the future. The Individuals with Disabilities Education Act (IDEA) legislation under which the FAS receive special education funds to support their special education programs is one of several examples.

Hawai'i

In terms of dollar volume, the NCLB brings good news to states across the country. For Hawai'i, the legislation has the following impacts.

- Increases federal education funding for Hawai'i to more than $194.6 million. This is $32 million more in federal education funding than last year and represents a 46.4% increase over 2000 levels.

- Increases Title I funding to more than $38.6 million, boosting the quality of education for disadvantaged children in Hawai'i – this is over $9 million more in Title I funding than last year and represents a 71% increase over 2000 levels.

- Provides more than $2.7 million in funding for Reading First. The objective is to ensure that every public school child in Hawai'i learns to read at or above grade level by 3rd grade.

- Requires every classroom in Hawai'i to have a highly-qualified teacher and provides more than $13.6 million to train and retain skilled educators.

- Provides an estimated $2.3 million to help ensure safe and drug-free schools in Hawai'i.

- Provides an estimated $1.5 million to fund after-school programs for at-risk children in Hawai'i.

- Provides more than $3.8 million in funding to help Hawai'i school districts assess how well children are learning and schools are teaching.

U.S.-Affiliated Territories: American Samoa, CNMI, Guam, and the U.S. Virgin Islands

The territories benefit from substantial set-asides in the new legislation and from an increase in federal dollars overall. These entities maintained program eligibility extended under IASA and gained some additional eligibility, including the right to compete for the FASEGP.

Additionally, the territories gained a Coordinator for the Outlying Areas within the Office of the Secretary for the U.S. ED. This newly-created office will coordinate the activities of the U.S. ED as they relate to the territories. This is the role that PREL has helped to fulfill unofficially in previous years for both the territories and the FAS. The new office does not appear to address needs of the FAS, which seems a bit contradictory.

The table below provides a bird's eye view of funding title by title and lists the implications for education in the State of Hawai'i, the territories, the FAS, and for PREL as a nonprofit organization.

No Child Left Behind (NCLB) Title and Section	Territories (U.S. Virgin Islands, Guam, CNMI, AS)	Freely Associated States (FAS): RMI, FSM, ROP	Allocations	Authorization Amount (for 2002 and subsequent years)
Title I, Sec.1003 Local School Improvement Grants	Allocation to States, BIA, and territories based on current-year shares of Title I, parts A, C, and D	No reference to FAS; assumed not eligible		$500 million*
Title I, Part A Basic Programs Operated by LEAs	Federal set-aside of one-half of 1% for territories	$5 million set aside in Subpart 2, Sec. 1121 for FAS and territories competition	Formula grants to states are relative to percentage of disadvantaged children; RMI and FSM eligibility extends to 2003 when a new Compact will be ratified; Palau's eligibility extends to 2006	$13.5 billion FY 2002 $16 billion FY 2003 $18.5 billion FY 2004 $20.5 billion FY 2005 $22.75 billion FY 2006 $25 billion FY 2007
Title I, Part B Reading First State Grants	One-half of 1% for territories	Not eligible		$900 million*
Title I, Part B (2) Early Reading First	No federal set-aside	Not eligible	Competitive awards to eligible entities	$75 million*
Title I, Part B (3) Even Start	Federal set-aside requires 6% for migrant children, BIA, and territories	Not eligible	Formula allocations are based on share of Title I	$260 million*
Title I, Part B (4) Improving Literacy Through Libraries	Federal set-aside of one-half of 1% to territories	Not eligible		$250 million*
Title I, Part C Education of Migratory Children	No federal set-aside	Not eligible	Formula grants are based on migratory student count (ages 3-21)	$410 million*
Title I, Part D Prevention and Intervention Programs for Youth (serves neglected and delinquent children)	No federal set-aside	Not eligible	Formula allocations to states are based on number of children in state operated institutions and per-pupil expenditures; no set-aside	$50 million*
Title I, Part F Comprehensive School Reform Program	Federal set-aside of up to 1% for BIA and territories	Not eligible	Formula grants to states are based on prior year share of Title 1	
Title I, Part G Advanced Placement			Allocation to states is based on number of low-income students in relation to total state enrollment	*
Title I, Part H School Drop Out Prevention			Competitive or formula awards to states and LEAs are based on overall funding level	$125 million*

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No Child Left Behind (NCLB) Title and Section	Territories (U.S. Virgin Islands, Guam, CNMI, AS)	Freely Associated States (FAS): RMI, FSM, ROP	Allocations	Authorization Amount (for 2002 and subsequent years)
Title II, Part A Improving Teacher Quality State Grants	Federal set-aside of one-half of 1% for BIA and territories	Not eligible	Formula grants to states	$3.175 billion*
Title II, Part B Mathematics and Science Partnerships			Competitive awards to eligible partnerships	$450 million*
Title II, Part C, Subparts 1-4 C1 Troops-to-Teacher/ Transition to Teaching; C2 National Writing Project; C3 Civic Education; C4 Teaching of Traditional American History			Competitive awards to eligible partnerships	C1 $150 million* C2 $15 million* C3 $30 million* C4 *
Title II, Part D, Subpart 1 State and Local Technology Grant	One-half of 1% set-aside for territories	Not eligible	Formula and competitive grants	$1 billion*
Title II, Part D, Subpart 3 Ready-to-Learn Television			Discretionary and competitive awards	*
Title III Instruction for Limited English Proficient and Immigrant Students (formerly Bilingual Education)	One-half of 1% for territories	FAS eligibility limited to discretionary grants until new Compacts take effect; no longer eligible for formula grants	Consolidates 13 programs and makes formula allocations to states based on LEP (80%) and immigrant (20%) students; states in turn make competitive subgrants to LEAs; small state minimum not less than $500,000	$750 million*
Title III, Section 3001 (a) (2) Emergency Immigrant	No set-aside		Formula grants to states	*
Title IV, Part A, Subpart 1 Safe and Drug-Free Schools and Communities	1% or $4.75 million (whichever is greater) for territories	Not eligible	Formula and competitive grants to states	$650 million*
Title IV, Part A, Subpart 2 SDFSC National Programs			Allocations for national programs	*

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No Child Left Behind (NCLB) Title and Section	Territories (U.S. Virgin Islands, Guam, CNMI, AS)	Freely Associated States (FAS): RMI, FSM, ROP	Allocations	Authorization Amount (for 2002 and subsequent years)
Title IV, Part B 21st Century Community Learning Centers	Up to 1% for the BIA and territories	Amount necessary to continue prior awards; not eligible to compete for new grants	Formula grants to states are based on each state's prior year share of Title I, Part A funds; in turn, states make competitive awards to eligible entities	$1.25 billion and adds $250 million each year through 2007
Title V, Part A Innovative Programs State Grants	Up to 1% set-aside for territories	Not eligible	State formula grants are based on state's relative share of the school-age population; each state gets one-half of 1%; 85% goes to LEAs	$450 million and adds $25 million each year through 2007
Title V, Part B, Subpart 1 Charter Schools			Competitive grants to states, which in turn make competitive grants to charter schools	$300 million*
Title V, Part B, Subpart 2 Credit Enhancement Initiatives to Assist Charter School Facility Acquisition, Construction, Renovation			Competitive awards to eligible entities (charter schools, etc.)	$150 million*
Title V, Part B, Subpart 3 Voluntary Public School Choice			Competitive awards to states and LEAs or partnerships	$100 million*
Title V, Part C Magnet Schools Assistance			Competitive grants to states and LEAs or consortia of LEAs	$125 million*
Title V, Part D, Subpart 1 Fund for the Improvement of Education (FIE)			Discretionary grants	$550 million and adds $25 million each year through 2007
Title V, Part D, Subpart 2 FIE: Elementary/ Secondary School Counseling Programs			Competitive grants to LEAs	No separate authorization
Title V, Part D, Subpart 3 FIE: Character Education			Competitive awards to states in partnership with LEAs and other organizations	No separate authorization
Title V, Part D, Subpart 4 FIE: Smaller Learning Communities			Competitive awards to LEAs	No separate authorization

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No Child Left Behind (NCLB) Title and Section	Territories (U.S. Virgin Islands, Guam, CNMI, AS)	Freely Associated States (FAS): RMI, FSM, ROP	Allocations	Authorization Amount (for 2002 and subsequent years)
Title V, Part D, Subpart 5 FIE: Reading is Fundamental – Inexpensive Book Distribution			Non-competitive award to RIF	No separate authorization
Title V, Part D, Subpart 6 FIE: Gifted and Talented Students			Discretionary grants	No separate authorization
Title V, Part D, Subpart 7 FIE: Star Schools			Competitive discretionary grants to eligible telecommunication partnerships	No separate authorization
Title V, Part D, Subpart 8 FIE: Ready to Teach			Competitive discretionary grants to nonprofit telecommunication agencies	No separate authorization
Title V, Part D, Subpart 9 FIE: Foreign Language Assistance Program			Discretionary and incentive grant programs to states and LEAs	No separate authorization
Title V, Part D, Subpart 10 FIE: Carol M. White Physical Education Program			Competitive grants to LEAs and community-based organizations with matching requirements	No separate authorization
Title V, Part D, Subpart 11 FIE: Community Technology Centers			Competitive awards to eligible entities (states, LEAs, IHEs, businesses, public or private nonprofit organizations)	No separate authorization
Title V, Part D, Subpart 12 FIE: Educational, Cultural, Apprenticeship, and Exchange Program for Alaska Natives and Native Hawaiians			Fund specifically earmarked for Alaska Natives, Native Hawaiians, and Massachusetts Whaling entities	No separate authorization
Title V, Part D, Subpart 13 FIE: Excellence in Economic Education			Competitive grants to nonprofit education organizations	No separate authorization
Title V, Part D, Subpart 14 FIE: Grants to Improve the Mental Health of Children			Competitive grants or contracts to states, LEAs, or Indian Tribes	No separate authorization

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No Child Left Behind (NCLB) Title and Section	Territories (U.S. Virgin Islands, Guam, CNMI, AS)	Freely Associated States (FAS): RMI, FSM, ROP	Allocations	Authorization Amount (for 2002 and subsequent years)
Title V, Part D, Subpart 15 FIE: Arts in Education			Appropriation for VSA arts and Kennedy Center	No separate authorization
Title V, Part D, Subpart 16 FIE: Parental Assistance and Local Family Information Centers			Competitive grants to nonprofit organizations and consortia of nonprofit organizations and LEAs	No separate authorization
Title V, Part D, Subpart 17 FIE: Combating Domestic Violence			Competitive grants to LEAs	No separate authorization
Title V, Part D, Subpart 18 FIE: Healthy, High-Performance Schools			No provisions on how funds are to be allocated to states and LEAs	No separate authorization
Title V, Part D, Subpart 19 FIE: Capital Expenses of Providing Equitable Services for Private School Students			Grants to states; subgrant to LEAs	No separate authorization
Title V, Part D, Subpart 20 FIE: Additional Assistance for Certain LEAs Impacted by Federal Property Acquisition			Earmark for Centennial, PA	No separate authorization
Title V, Part D, Subpart 21 FIE: Women's Educational Equity Act			Competitive grants to public agencies, private nonprofit agencies and organizations, institutions, student groups, community groups, and individuals	No separate authorization
Title VI, Part A, Subpart 1 Grants for State Assessment and Related Activities	Federal set-asides of one-half of 1% for territories	Not eligible	Both formula and competitive grants to states and consortia of states	$490 million*
Title VI, Part A, Subparts 2-4 ESEA Flexible Provisions			Allows more flexibility to states and LEAs to transfer or consolidate funds under specified programs	No authorization

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No Child Left Behind (NCLB) Title and Section	Territories (U.S. Virgin Islands, Guam, CNMI, AS)	Freely Associated States (FAS): RMI, FSM, ROP	Allocations	Authorization Amount (for 2002 and subsequent years)
Title VI, Part B Rural Education Initiative	Federal set-asides of one-half of 1% or BIA and territories	Not eligible	Formula to LEAs not to exceed $60,000; eligible LEAs are those serving schools with an NCES code of 6 (small town), 7 (rural), or 8 (rural and near urban) and a child poverty rate of 20%	$300 million*
National Education Statistics Act, Section 411 National Assessment of Educational Progress			No allocation; amends NAEP legislation	No authorization
Title VII, Part A, Subpart 1 Indian Education			Formula grants to states, LEAs, and BIA; competitive grants to states; LEAs, Indian tribes and organizations, federally supported schools for Indians, and other entities	$96.4 million*
Title VII, Part A, Subparts 2 and 3 Indian Ed. Special Programs and National Activities				$24 million*
Title VII, Part B Education of Native Hawaiians			Consolidates 6 Native Hawaiian programs; creates and funds Native Hawaiian Education Council; provides competitive grants and contracts to eligible applicants through NHEC	*
Title VII, Part C Alaska Native Education			Competitive grants and contracts to eligible applicants (Alaskan Native), organizations, educational entities, and community-based organizations	*
Title VIII Impact Aid			Formula and competitive grants for school districts and schools meeting requirements	$150 million*
Title IX ESEA General Provisions				No funding provision

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No Child Left Behind (NCLB) Title and Section	Territories (U.S. Virgin Islands, Guam, CNMI, AS)	Freely Associated States (FAS): RMI, FSM, ROP	Allocations	Authorization Amount (for 2002 and subsequent years)
Title X, Parts B and G Comprehensive Regional Assistance Centers			Authorizes continued funding at current level of 15 centers; transfers statutory language from Part A of Title XIII to part K of ERDDI Act of 1994 (PREL operates 1 of 15 centers)	
Title X, Parts B and G (Amendments to the ERDDI Act) Eisenhower Regional Mathematics and Science Consortia			Authorizes funding for remaining years of current grant; permits year-to-year extension until ERDDIA is reauthorized; transfers statutory language to ERDDIA (PREL currently operates 1 of 10 Math/Science Consortia)	
Title X, Parts B and G (Amendments to the ERDDIA) Regional Technology in Education Consortia			Authorizes funding for the remaining years of the current grant; authorizes extension on a year-to-year basis if grant expires before ERDDIA is reauthorized (PREL currently operates one of 10 R*TEC centers)	
Title X, Part C (Amendment to McKinney-Vento Homeless Assistance Act) Education for Homeless Children	Federal set-asides of 0.1% for territories	Not eligible	Formula grants to states based on current year Title I share; competitive subgrants to LEAs	
Title X, Part E (Amendments to Title II of the Higher Ed. Act of 1965) Preparing Tomorrow's Teachers to Use Technology			Competitive grants, contracts, and competitive agreements to consortia (IHE, state or LEA, and one other entity)	
Title X, Part F (Amending Section 445 of the General Education Provisions Act) Protection of Pupil Rights				No funding allocation

*Additional sums may be allocated at Congress's discretion.

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